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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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09/322,278 05/28/99 LIECHTY

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VICTOR JAY LIECHTY II
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PROVO UT 84604

EXAMINER

RICCI, J

ART UNIT

PAPER NUMBER

3712

DATE MAILED:

09/26/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/322,278

Applica(s)

Liechty

Examiner
John Ricci

Group Art Unit
3712



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 1-59 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 1-13, 24-59 is/are allowed.
- ☒ Claim(s) 14, 16, 19 is/are rejected.
- ☒ Claim(s) 15, 17, 18, 20-23 is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☐ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration in a continuation-in-part application filed under the conditions specified in 35 U.S.C. 120 which discloses and claims subject matter in addition to that disclosed in the prior copending application, acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

* * * * *

Claims 14-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, line 7, it is not clear whether "said cutting edge" refers to that of the pivotal blade, or fixed blade.

Also, in claim 18, line 2, it appears that --blade-- should be inserted after "pivotal".

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14, 16, & 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson 5,090,709.

Johnson shows an arrow head including a forward leading end 19; a pivotal blade 24 having a cutting edge which extends to a forward terminus when the blade is pivoted to an open, penetrating configuration; and a fixed blade 16 having a forward terminus to the rear of leading edge 19, and a rearward terminus located forward of the forward terminus of the pivotal blade.

Claims 15, 17, 18, & 20-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-13, & 24-59 are allowed.

With regard to claim 1, the prior art does not disclose an arrow head including a cutting blade having a first cutting edge; a second cutting edge on the arrowhead, which

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extends forward of the first cutting edge when the arrowhead is in a penetrating configuration; wherein when the arrowhead is in an in-flight configuration the distance from the arrowhead axis to the furthest section of the cutting blade is longer than the distance from the arrowhead axis to the furthest section of the second cutting edge.

With regard to claim 24, the prior art does not disclose an arrowhead having a body with a central longitudinal axis, a first blade slot to accommodate a first blade, and a second blade slot forward of the first blade slot, to accommodate a second blade; wherein a line parallel to the central axis intersects both blade slots.

With regard to claim 36, the prior art does not disclose an arrowhead comprising a body having a pivotal blade mounted thereto, and a fixed blade mounted thereto; the fixed blade having an edge thereabout, and a peripheral side face, the side face having two sections which lie in non-parallel planes.

With regard to claim 46, the prior art does not disclose an arrowhead comprising a body having an exterior surface, and having a blade slot to accommodate a cutting blade; and a cutting edge integrally formed on the exterior surface, the cutting edge having a forward terminus which is rearward of the forward leading end of the arrowhead.

* * * * *

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This letter was prepared by Examiner John Ricci, who can be reached at the appropriate phone number:

Voice: 703-308-4751

Fax: Use 703-305-3579 for papers that can be delivered directly to the mail room, like formal amendments and responses, change of address, power of attorney, petitions.

Use 703-783-0439 for papers that need to be delivered directly to the Examiner, like informal or proposed responses for discussion, or notes in preparation for an interview.

Response by Fax is encouraged to reduce mail processing time. Please don't send duplicate papers by mail and Fax.

My supervisor is Jacob Ackun, 703-308-3867.

PTO main switchboard: 800-786-9199.

Visit our Web site at www.uspto.gov.



**JOHN RICCI
PRIMARY EXAMINER
ART UNIT 3712**

Examiner's Drawing Review

In order to relieve a backlog of work in the Drafting Department, the PTO has suspended the automatic review of drawings in new applications by a Draftsperson. The Examiner will review drawings for content only, and will only require new drawings upon allowance in cases where the original drawings are obviously informal, or contain errors in content.

In the opinion of the Examiner, the drawings filed on 5/28/99:

 Are obviously informal, but acceptable for examination at this time. Any additional defects in content are explained in the attached letter. Formal drawings will be required upon allowance.

✓ Appear to be formal, and no defects were observed.

 Appear to be formal, but defects therein are explained in the attached letter.